

REMARKS:

At the time of the Office Action, claims 1-30 were pending. Claims 13-16 stand objected to. Claims 1-12 and 17-30 stand rejected. Pursuant to this Amendment, claims 1, 4, 7, 14-16 and 22 have been amended, and claim 13 has been cancelled. Claims 1-12 and 14-30 remain pending.

Claims 13-16 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Accordingly, claim 7 has been amended to include the limitations previously found in now cancelled claim 13. Thus, claim 7 is allowable. Claims 8-12 and 14-16 depend from claim 13, and therefore, are allowable for the same reasons applied thereto as well as for the additional subject matter recited in each.

The specification stands objected to as failing to provide clear support for the claim limitations “smooth” and “unobstructed”. However, it is respectfully argued that the drawings, not just the text, are to be considered when reviewing the entire specification. Accordingly, as shown in at least Figs. 4 and 5, the passage 36 is illustrated as being “smooth” and “unobstructed” along the smooth inner surface thereof when the valve is positioned in the open position. Thus, removal of the objection is respectfully requested.

The Examiner has also rejected claims 1-6 and 22-30 under the first and second paragraphs of 35 U.S.C. 112, pointing to the claim limitations “smooth inner surface” and “so as to provide an unobstructed path for the product moving therethrough” as recited in claims 1, 4 and 22. Claims 1, 4 and 22 have been amended to more clearly define what it is the applicants regard as their invention. More specifically, claims 1, 4 and 22 have been amended to clarify that the smooth inner surface of the passage is structured and arranged in such a manner so as to provide an unobstructed path along the smooth inner surface for the product moving therethrough when the valve element is positioned in the open position. Thus, removal of the 112 rejections is respectfully requested.

Since claim 22 has not been rejected for any other reason, claim 22 is now in condition for allowance. Claims 23-30 depend from claim 22, and therefore, are allowable for the same reasons applied thereto as well as for the additional subject matter recited in each.

Claims 1-6, 17, 18, 20 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by An (U.S. Pat. No. 4,538,789). Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over An in view of Ito et al. (U.S. Pat. No. 6,047,951). These rejections are traversed for at least the following reasons.

As previously noted, claims 1 and 4 have been amended to more clearly recite that the smooth inner surface of the passage is structured and arranged in such a manner so as to provide an unobstructed path along the smooth inner surface for the product moving therethrough when the valve element is positioned in the open position. An does not have such a smooth, unobstructed inner surface (see, e.g., steps 41a and 42a in ports 40 and 41, respectively, as shown in Fig. 2 of An). For at least this reason, claims 1 and 4 are not anticipated by An.

In regards to claim 17, the Examiner is of the opinion that An discloses all the limitations recited therein. However, the Examiner has failed to point out in An where the claimed “cylindrical seats” taken together with the other limitations set forth in claim 17 can be found. It is respectfully argued that An does not include the claimed “cylindrical seats”. Accordingly, claim 17 should be allowable. If the Examiner disagrees, it is respectfully requested that the Examiner explain where the claimed “cylindrical seats” can be found in An.

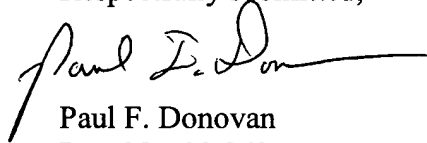
Claims 2-3, 5-6 and 18-21 depend from one of claims 1, 4 and 17, and therefore, are allowable for the same reasons applied thereto as well as for the additional subject matter recited in each.

Claims 7-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Radar (U.S. Pat. No. 3,108,778). Without agreeing with the Examiner as to what is or is not taught by the cited reference, the rejection is now moot since claim 7 has been amended to include the limitations previously found in objected to claim 13.

Contrary to the Examiner's opinion, no new matter has been added by way of the previous amendments and remarks. Moreover, no new matter has been added by way of the current amendment and remarks made herein. Reconsideration and allowance of all the pending claims is respectfully requested. In the event that there are any remaining issues to be addressed, in order to expedite the prosecution of the subject application, the Examiner is invited to telephone the undersigned at the number indicated below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Donovan", with a long horizontal flourish extending to the right.

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